Office Action. Applicant has traversed this rejection. Applicant respectfully requests reconsideration of the comments made in response to the last Office Action. Such comments are hereby incorporated by reference.

Applicant believes that the above noted comments are still applicable in this situation. Most notably, Applicant notes that the references fail to teach important features claimed.

The references employed in the rejection fail to teach the features of claim 1 including

> *means for determining an instantaneous position of the device*
>
> *user by evaluating the image signals sent by said image recording*
>
> *means by pattern recognition of the image falling near or about the*
>
> *eyes of the device user and the stored building topography data.*

Specifically, the secondary reference clearly does not teach this. Applicant will address each of the points raised by the Examiner below. However, it is noted that there is no clear statement, considering the reference for what it fairly teaches and giving it its ordinary meaning, which supports the position that the Ronzani et al. reference discloses the feature of claim 1 reproduced above.

The references cited in the rejection including Ronzani et al. clearly fail to teach features from claim 9 including the following:

> *determining the instantaneous position of the user of the device*
>
> *within the building by the evaluation of the image signals by means of*
>
> *pattern recognition by comparing patterns of said topography of the*

2

building with patterns of said recorded image signals for determining

an instantaneous position of the device user.

The prior art as a whole including the Ronzani et al. reference clearly fails to teach and clearly fails to suggest important features of claim 11. Particularly, the prior art at least fails to teach the feature of claim 11 as follows:

a processor receiving building topography data via said input means and evaluating said recorded image signals by comparing patterns of said building' topography data with patterns of said recorded image signals for determining an instantaneous position of the device user.

The rejections are not clear as to how this feature is taught by the references. Applicant has reviewed the references in detail and provided comments as noted above. Although the rejection is not clear as how these features are found in the reference, Applicant will address each of the points and comments raised in the Office Action in support of Applicant's position.

The page 2 of the Office Action in response to arguments, the features of claim 1 noted above are referenced as disclosed by Ronzani. In support of this a reference is made to Figs. 1 - 2 and 37 - 38 as well as columns 18 - 19. However, Applicant can find no reference in any of the text or figures noted as to pattern recognition of the image near the eyes of the device user and the stored building topography data. In these sections of the Ronzani et al. Patent

3

which are referenced there is no suggestion of these features. Further, the statement "... a personal firefighter in which GPS sensors along with the building schematics i.e., the building map images) by the CPU to provide the firefighter and the truck with the firefighters exact position in the building." does not make any sense. Of course building schematics are not building topography data as the schematics or scheme of a building typically is the floor plan. Building topography data is necessarily data as to the topography, wherein a pattern of the topography can be made to match a pattern of a recorded image in a pattern recognition analysis. A pattern detection system receives binary image data from the infrared camera, located on the helmet of a respirator user. In the computer (5) a partial-image recognition program recognizes a partial image that is contained in the binary image data. These partial images can be support columns, door and window openings or stairs. A further program module determines similarity between building topography reference images with known position information, which are stored in the computer, and the actual partial image. This comparison between measured and stored pattern is carried out with statistical methods. As such, the reference to the building schematics is not the claimed feature.

As noted in the previous response, it appears that some correlation is made according to Ronzani et al. (although this is not explained as noted in Applicant's prior response) between GPS data and the schematics. For example, a center point of each room or some other reference location can be matched in advance to GPS data for the location. In this situation the GPS data received from the firefighter on the scene can be matched to GPS data already correlated to the schematics. Although this is not explained, it is possible that a person of

4

ordinary skill in the art would infer this. However, this provides no teaching and no suggestion with regard to the pattern recognition feature claimed in claim 1. Further, using a CPU which presumably receives GPS data and can presumably look up the GPS data for the exit and use the schematics to plot a path to the exit, again provides no teaching and no suggestion with regard to the claimed feature. If such look up occurs and the results are pictorially displayed, namely the schematics are shown with some type of directional information on the schematics pictorially displaying the direction of exit, this again provides no meaningful teaching or suggestion with regard to the claimed feature. It is not at all clear how this discussion is even relevant.

The discussion at the top of column 3 also does not appear to be pertinent to the rejection which is referenced. The Examiner's statement as to "it is well known" is not based on any information of record that supports the well known statement. Further, the statement does not provide any teaching or suggestion with regard to the claimed feature.

At page 3, the Examiner has the statement "Ronzani discloses the recorded image data along the firefighters entrance paths and the image signal is captured by the GPS sensors...". However, it is not at all clear where this disclosure comes from. As noted, it is Applicant's position that Ronzani presents suggestions with regard to predefining GPS locations on schematics and then receiving current GPS information to both provide an indication of location as well as to plot an exit. Again this presents no suggestion or teaching as to the feature claimed. The statements that entrance and exit paths require evaluating a plurality of images in the building to be recorded and subsequently presented to the firefighter does not come from

5

the Ronzani text. A rejection cannot be based on a hypothetical modification of teachings of the references, particular based on a hindsight consideration. There is no support for the position that a determination of exit path requires the features as mentioned by the Examiner. If references teach such requirements, there should be a clear statement as to where these teachings come from.

The conclusion therefore, Ronzani teaches a pattern recognition of images along the firefighters entrance or exit path... is not at all a logical conclusion from the statements made previously at pages 2 and 3. There is no support for this statement. As Applicant noted, if the statements of Ronzani have any meaning, it is with regard to providing GPS information on stored schematics (floor plans) and using these to identify the location of a firefighter as well as an exit based on current GPS information from the firefighter. All of this involves no pattern recognition whatsoever.

At the bottom of page 3 and top of page 4, the Office Action presents a discussion of another embodiment according to Ronzani et al. (column 19) wherein an image display device allows a user to view displayed information. In the discussion, it is mentioned that information (image signals) can be sent to the Police Station for verification etc. It is stated that this is a pattern recognition of driver licenses and image data stored in the Police Station. Of course such is not the feature claimed and clearly the reference does not suggest the feature claimed. Further, an optical reader (such as a bar code reader) reads markings and converts these to a digital signal representing digits such as alphanumeric characters. In this case, there is no pattern recognition but instead a particular bar is converted to a particular character and there

6

is a subsequent correlation of this with a database. In any event, there is no pattern recognition as per the feature of claim 1 discussed above and mentioned at page 2 of the Office Action. The conclusion "the exact position the Police Officer is determined from GPS data along with the buildings schematics and city maps and thus the exact position of the Police Officer is determined by pattern recognition of the stored buildings schematics." does not make any sense. It is not at all clear how this is a logical conclusion based on the teachings of Ronzani. There is no support for the position that Ronzani teaches evaluating image signals by pattern recognition and there is no support for the position that Ronzani teaches evaluating GPS signals by pattern recognition. The conclusion is simply incorrect.

There is further no support for the position that it would be obvious to incorporate Ronzani's GPS sensors and CPU into Warner's device. Of course such incorporation would still not lead to the combination of features as claimed in claim 1 and would not lead to the features as claimed in the other independent claims as discussed further below. Even if the references suggest providing communication between a central deployment station and the firefighter or other like communication, the references do not suggest the features as outlined above.

Applicant further disagrees with the conclusion at page 5 that one of ordinary skill in the art is motivated to determine an exact position and figure out dangerous zones that a firefighter should avoid. Although this conclusion could be reasonable, rejections and evaluations of the prior art must be made with reference to the teachings of the references and not hypothetical modifications or conclusions which are based on the benefit of Applicant's disclosure. Even if one evaluated hot locations based on the infrared data from Warner and one
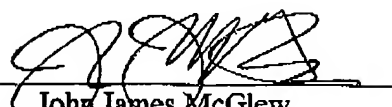
7

figured out an exit path based on predefined GPS locations on a schematic and provided an exit path for a firefighter, these teachings do not lead to the features of the respective independent claims noted above.

Applicant has provided the comments above to note that the references do not suggest the combination of features claimed. A fair reading of the references should lead the person of ordinary skill in the art toward the conclusion that Ronzani teaches the possibility of using GPS data linked to building schematics (floor plans). This clearly does not suggest the features claimed as noted above. Further, Applicant has responded to these comments and noted that these do not actually respond to Applicant's arguments of record. Applicant has provided clear reasons to support the conclusion that the prior art does not suggest a combination of features claimed. Applicant cannot determine any teachings or suggestions which support the Examiner's position in the comments as noted above. Accordingly, consideration of Applicant's previous comments is again requested.

Reconsideration of the rejections is requested as the prior art as a whole fails to suggest features from each of the independent claims. Absent teachings and suggestions in the prior art to direct the person of ordinary skill in the art toward the combination claimed, the rejection should be considered untenable and the claims should be considered patentable as presented.

8

Further and favorable action on the merits is requested.

Respectfully submitted
For Applicant,

By: _____
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71045.14

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS REQUEST FOR RECONSIDERATION IN RESPONSE
TO THE OFFICE ACTION OF OCTOBER 18, 2005 FOR SERIAL NO. 10/738,464 (9
PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE FACSIMILE NUMBER 571-273-8300 ON THE DATE SHOWN
BELOW.

Toni Ann Fonte
NAME OF PERSON SIGNING CERTIFICATION

Toni Ann Fonte
SIGNATURE

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9